

PATENT
Attorney Docket No. 03804.1129-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
U.S. Patent No. 5,837,531)
Issued: November 17, 1998)
Inventors: Jean-Francois DEDIEU et al.) Group Art Unit: Unassigned
Reissue Serial No.: Unassigned) Examiner: Unassigned
Filing Date of Reissue Appln.: August 31, 2000)
For: RECOMBINANT ADENOVIRUSES FOR)
GENE THERAPY IN CANCERS)

ATTN.: BOX REISSUE
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

We, Jean-Francois DEDIEU, Aude LE ROUX, and Michel PERRICAUDET, all citizens of France, with residences and post office addresses as listed below, do hereby state and declare as follows:

1. We believe we are the original joint inventors of the subject matter which is described and claimed in United States Patent No. 5,837,531, granted on November 17, 1998, and for which a reissue patent is sought on the invention entitled, "RECOMBINANT ENDOVIRUSES FOR GENE THERAPY IN CANCERS."

DECLARATION
Reissue Application of Patent No. 5,837,531
Attorney Docket No. 03804.1129-00000

2. We hereby claim the benefit under 35 U.S.C. § 119(a) of the foreign application FR93/13766 filed in France on November 18, 1993. A certified copy of FR93/13766 is of record in the file of U.S. Application Serial No. 08/646,246, which gave rise to United States Patent No. 5,837,531.

3. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims in the Preliminary Amendment filed herewith.

4. We acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

5. We believe that U.S. Patent No. 5,837,531 is at least partially inoperative or invalid by reason of defective claim language.

6. An error which is a statutory basis for reissue is the lack of direct antecedent basis for the term "the EBNA 1 antigen" in claim 2. The lack of direct antecedent basis for the term "the EBNA 1 antigen in claim 2 may render the claim vague and indefinite under 35 U.S.C. § 112, second paragraph.

7. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent.

D

DECLARATION
Reissue Application of Patent No. 5,837,531
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8. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor Jean-Francois DEDIEU	Inventor's Signature	Date
Residence 2, Sentier des Jardins, 94240 L'Hay Les Roses, FRANCE	Citizenship FRENCH	
Post Office Address Same as above		
Full Name of Second Inventor Aude LE ROUX	Inventor's Signature <i>Le Roux Aude</i>	Date 07/05/00
Residence 13 Allée Chenard et Walcker, 94320 Thiais, FRANCE	Citizenship FRENCH	
Post Office Address Same as above		
Full Name of Third Inventor Michel PERRICAUDET	Inventor's Signature	Date
Residence 31, rue de Chartres, 28320 Ecrosnes, FRANCE	Citizenship FRENCH	
Post Office Address Same as above		
Full Name of Fourth Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON, DC 20005
202-408-4000

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Reissue Serial No.: Unassigned)	Examiner: Unassigned
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Full Name of First Inventor Jean-Francois DEDIEU	Inventor's Signature <i>Jean Francois Dedieu</i>	Date 07/07/00
Residence 2, Sentier des Jardins, 94240 L'Hay Les Roses, FRANCE	Citizenship FRENCH	
Post Office Address Same as above		
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Full Name of Third Inventor Michel PERRICAUDET	Inventor's Signature	Date
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FARABOW, GARRETT,
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Residence 13 Allée Chenard et Walcker, 94320 Thiais, FRANCE	Citizenship FRENCH	
Post Office Address Same as above		
Full Name of Third Inventor Michel PERRICAUDET	Inventor's Signature <i>Michel PERRICAUDET</i>	Date <i>July 4th 2000</i>
Residence 31, rue de Chartres, 28320 Ecrosnes, FRANCE	Citizenship FRENCH	
Post Office Address Same as above		
Full Name of Fourth Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		

PAGE: 1

PATENT NUMBER: 5837531 ISSUE DATE: 11/17/98
SERIAL NUMBER: 08/646246 FILING DATE: 05/13/96
TITLE: RECOMBINANT ADENOVIRUSES FOR GENE THERAPY IN CANCERS
APPLICANT: DEDIEU, JEAN-FRANCOIS ; LE ROUX, AUBE
FERRICAUDET, MICHEL

REEL: 007974 FRAME: 0407 DATE RECORDED: 05/13/96 NUMBER OF PAGES: 003
ASSIGNOR: DEDIEU, JEAN-FRANCOIS

EXC DATE: 04/25/96

LE ROUX, AUBE

EXC DATE: 04/25/96

FERRICAUDET, MICHEL

EXC DATE: 04/25/96

ASSIGNEE: RHONE-POULENC RORER, S.A.

20 AVENUE RAYMOND ARON

92165 ANTONY CEDEX, FRANCE

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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JULIE K. SMITH
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Trademark Office

FORM PTO-1595
1-31-92
RECORDATION
Docket No. EX93019-US



100210129

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

DIEDEU, Jean-Francois
LE ROUX, Aude
PERRICAUDET, Michel

2. Name and address of receiving party(ies):

Rhône-Poulenc Rorer S.A.
20 Avenue Raymond Aron
92165 Antony Cedex
FRANCE

Additional name(s) of conveying party(ies) attached? [] Yes [X] No

3. Nature of Conveyance:

[X] Assignment [] Merger
[] Security Agreement [] Change of Name
[] Other

Execution Date (of Assignment): April 25, 1996

Additional name(s) & address(es) attached? [] Yes [X] No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

U.S. National Stage of PCT/FR94/01284

Additional numbers attached?

B. Patent No(s)

[] Yes [X] No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Julie K. Smith
Internal Address: Rhône-Poulenc Rorer Inc
Legal-Patents, #3C43

Street Address: P.O. Box 5093

City: Collegeville State: PA ZIP: 19426-0997

6. Total number of applications and patents involved: [1]

7. Total fee (37 CFR 3.41): \$ 40.00

Please charge deposit account number: 70029 U.S. PTO

8. Deposit account number: 06/12/96

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Julie K. Smith

Name of Person Signing

JKS
Signature

13 May 1996

Date

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PATENT
REF ID: 7974 FRAME: 0407

ASSIGNMENT AND AGREEMENT

For value received and intending to be legally bound, we, the undersigned joint inventors (Assignors), sell, assign and transfer to RHÔNE-POULENC RORER S.A. (Assignee), having a principal place of business at 20 Avenue Raymond Aron, 92165 Antony Cedex, FRANCE, and its successors, assigns and legal representatives, the entire right, title and interest in and to our invention relating to

RECOMBINANT ADENOVIRUSES FOR GENE THERAPY IN CANCERS

as disclosed and claimed in and to the application for United States Letters Patent therefor, assigned Attorney Docket No. EX93019 US filed on _____ as Serial No. _____ as the U.S. national stage of PCT Serial No. FR94/01284 filed in the French Receiving Office on 7 November 1994, and under any and all Letters Patent which may be granted therefor, and all right, title and interest in and to every patent application filed or to be filed on said invention in the United States, including renewals, revivals, continuations, divisions and any substitute applications of said United States application, and any and all patents which may issue thereon, and any reissues and extensions of the same.

We authorize and request competent authorities to grant and issue any and all patents on said invention to said assignee or its successors, assigns and legal representatives, or to such nominees as said assignee may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said invention in any and all countries and for vesting title thereto in said assignee, its successors, assigns, legal representatives or nominees.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

Signed at Villejuif, FRANCE on this 25th day of April, 1996.
(City, State and Nation)

Signature: Jean-François Dedieu

Inventor's Name: Jean-François DEDIEU
Residential Address: 84, quai de Jemmapes
75010 Paris
FRANCE

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PATENT
REEL: 7974 FRAME: 0408

Signed at Villy Sur Seine, France on this 25th day of
April, 1996.
(City, State and Nation)

Signature: Aude le Roux

Inventor's Name: Aude LE ROUX
Residential Address: 4, Allée d'Alsace
94550 Chevilly La Rue
FRANCE

Signed at Villepinte, FRANCE on this 25th day of
April, 1996.
(City, State and Nation)

Signature: Michel PERRICAUDET

Inventor's Name: Michel PERRICAUDET
Residential Address: 31, rue de Chartres
28320 Ecrosnes
FRANCE

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